

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

TOMMY DEAN PROFFITT, JR.,	§	
Petitioner,	§	
	§	
v.	§	C.A. NO. C-05-186
	§	
DOUG DRETKE, DIRECTOR,	§	
TEXAS DEPARTMENT OF	§	
CRIMINAL JUSTICE –	§	
INSTITUTIONAL DIVISION,	§	
Respondent.	§	


**MEMORANDUM OPINION AND ORDER GRANTING RESPONDENT'S
MOTION FOR SUMMARY JUDGMENT**

The United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 9) recommending that this Court grant respondent's Motion for Summary Judgment (D.E. 10, 32). Petitioner has filed objections, however, his objections are largely a restatement of his claims of ineffective assistance of counsel (D.E. 15). Nevertheless, the Court has carefully read all of petitioner's objections to the Magistrate Judge's Memorandum and Recommendation.

The Court finds that petitioner has failed to demonstrate that but for his trial counsel's alleged errors, the result of his trial would have been different. Having reviewed *de novo* the Magistrate Judge's Memorandum and Recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge. Accordingly, respondent's Motion for Summary Judgment is granted

and petitioner's cause of action for habeas corpus relief is denied. If petitioner files a motion for a Certificate of Appealability, that request is also denied.

ORDERED this 18th day of December, 2006.


HAYDEN HEAD
CHIEF JUDGE